

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

RODNEY ALVERSON, #132431,)	
)	
Plaintiff,)	
)	
v.)	CASE NO. 2:18-CV-409-WKW
)	[WO]
JEFFERSON S. DUNN,)	
)	
Defendant.)	

ORDER

Before the court is Plaintiff's Rodney Alverson's Motion for Leave of the Court for a Temporary Restraining Order or in the Alternative Preliminary Injunction. (Doc. # 24.) The motion is due to be denied because it does not meet the requirements Rule 65(b) of the Federal Rules of Civil Procedure.

Rule 65(b) governs requests for temporary restraining orders. A temporary restraining order may be issued without notice only if "specific facts in an affidavit or a verified complaint clearly show that immediate and irreparable injury, loss, or damage will result to the movant before the adverse party can be heard in opposition" and the movant "certifies in writing any efforts made to give notice and the reasons why it should not be required." Fed. R. Civ. P. 65(b)(1)(A)–(B).

Mr. Alverson has failed to meet the prerequisites for the exceptional remedy of a temporary restraining order. He has not submitted an affidavit in support of his

motion. *See* Fed. R. Civ. P. 65(b)(1)(A). Nor has he submitted a verified complaint, *see id.*, or the certification required by Rule 65(b)(1)(B). Moreover, Mr. Alverson has “not allege[d], much less satisf[ied] the burden of persuasion of proving, that his claim ha[s] a substantial likelihood of success on the merits, which is a prerequisite to the grant of a” temporary restraining order. *McMahon v. Cleveland Clinic Found. Police Dep’t*, 455 F. App’x 874, 878 (11th Cir. 2011); *see Parker v. State Bd. of Pardons & Paroles*, 275 F.3d 1032, 1034–35 (11th Cir. 2001) (listing the elements for a temporary restraining order). And because a substantial likelihood of success on the merits is also a prerequisite to the grant of a preliminary injunction, Mr. Alverson’s request for a preliminary injunction as an alternative relief fares no better than his request for a temporary restraining order.

Accordingly, it is ORDERED that Mr. Alverson’s Motion for Leave of the Court for a Temporary Restraining Order or in the Alternative Preliminary Injunction (Doc. # 24) is DENIED.

It is further ORDERED that the above-styled action is REFERRED back to the Magistrate Judge pursuant to 28 U.S.C. § 636 for further proceedings and determination or recommendation as may be appropriate.

DONE this 23rd day of May, 2018.

/s/ W. Keith Watkins
CHIEF UNITED STATES DISTRICT JUDGE